



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICANT	DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/055,240	04/06/98	YED	W 0937-0120F

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LM02/1222

EXAMINER

NEYZARI, A

ART UNIT

PAPER NUMBER

2752

#15

*Amend  
Docketed*

**03.22.99**

DATE MAILED:

12/22/98

Commissioner of Patents and Trademarks

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No. <b>09/055 240</b>	Applicant(s) <b>YEO</b>
Examiner <b>Ali Nayyar</b>	Group Art Unit <b>2752</b>

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

**Period for Response**

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- ☒ Responsive to communication(s) filed on 4-6-98
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- ☒ Claim(s) 1-24 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-4, 7-24 is/are rejected.
- ☒ Claim(s) 3-6 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

**Attachment(s)**

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 6
- ☒ Notice of References Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

**Office Action Summary**

Art Unit: 2752

**Part III DETAILED ACTION**

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. § 119, which papers have been placed of record in the file.

***Preliminary Amendment Acknowledgment***

Receipt is acknowledged of Preliminary Amendment filed Jun 29/98 and Apr. 30/98.

***Information Disclosure Statement***

The reference citations on PTO 1449 submitted Jun 29/98 are acknowledged. All the cited references have been considered.

***Specification***

The application papers are objected to because they are not a permanent copy as required by 37 CFR 1.52(a).

Applicant is required either (1) to submit permanent copies of the identified parts or (2) to order a photocopy of the above identified parts to be made by the Patent and Trademark Office at applicant's expense for incorporation in the file. See MPEP § 608.01.

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*Specification*

Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al (US 5,715,221, cited by applicant).

Ito et al disclose an optical disk which consists of a main area divided into a plurality of zones, and a spare area with different areas with variable sizes.

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***Allowable Subject Matter***

Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ALI NEYZARI** whose telephone number is **703-308-4906**. The examiner can normally be reached on **MONDAY-THURSDAY** from **7:00 AM to 5:30 PM**.

The fax phone number for this Art Unit is **703-308-6606**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is **703-305-3800**.

*Ali Neyzari*  
*Primary Patent Examiner*  
*Art Unit 2752*  
*12-17-1998*

*Ali Neyzari*  
**ALI NEYZARI**  
**PRIMARY EXAMINER**